

JUDGE PHILIP MARTINEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED
2003 JUL 16 PM 1:33

UNITED STATES OF AMERICA,

) CRIMINAL NO. EP-03-CR-21

Plaintiff,

) INDICTMENT

VS.

) CT 1: 21:952(a)-Importation of

CURTIS LAMAR BROWN,

) a Controlled Substance;

Defendant.

) CT2: 21:841(a)(1)-Possession

) of a Controlled Substance With

) Intent to Distribute

EP03CR1403

THE GRAND JURY CHARGES:

COUNT ONE

(21 U.S.C. §§ 952(a), 960(a)(1) & 960(b)(3))

That on or about JUNE 29, 2003, in the Western District of Texas, Defendant,

CURTIS LAMAR BROWN,

knowingly and intentionally imported into the United States from Mexico a controlled substance, which offense involved 50 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Sections 952(a), 960(a)(1) and 960(b)(3).

COUNT TWO

(21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C))

That on or about JUNE 29, 2003, in the Western District of Texas, Defendant,

CURTIS LAMAR BROWN,

knowingly and intentionally possessed with intent to distribute a controlled substance, which offense involved 50 kilograms or more of a mixture or substance containing a detectable amount of

A true copy of the original, I certify,
Clerk, U. S. District Court
By M. Aguirre
Deputy

marijuana, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

A TRUE BILL.

Edward Pollock
FOREPERSON OF THE GRAND JURY

JOHNNY SUTTON
UNITED STATES ATTORNEY

BY: Margot Thiel
Assistant U.S. Attorney

**UNITED STATES DISTRICT COURT FILED
Western District of Texas
EL PASO DIVISION**

23rd AUG 27 PM 4:09

UNITED STATES OF AMERICA

v.

CURTIS LAMAR BROWN

CLERK'S OFFICE
WESTERN DISTRICT OF TEXAS
Case Number EP-03-CR-1403 PRM
DEPUTY

Defendant.

**AMENDED JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)**

The defendant, CURTIS LAMAR BROWN, was represented by Mary Stillinger.

On motion of the United States, the Court has dismissed Count 1.

The defendant pled guilty to Count 2 of the Indictment on October 3, 2003. Accordingly, the defendant is adjudged guilty of such Count, involving the following offense:

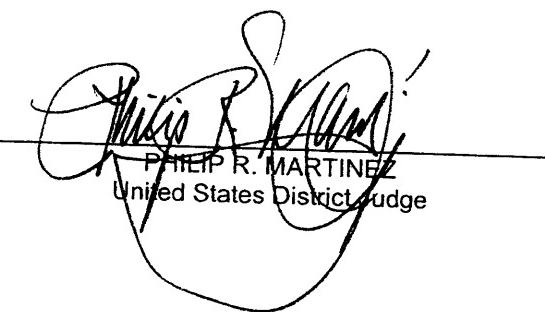
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date of Offense</u> Concluded	<u>Count</u> <u>Number</u>
21 USC 841	Possession w/intent to distribute a controlled substance, to-wit: marijuana >50 kgs	6-29-2003	2

As pronounced on January 6, 2004, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$100.00, which shall be due immediately. Said special assessment shall be made to the Clerk, U.S. District Court.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid. If ordered to pay restitution, the defendant shall notify the Court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this the 27 day of August, 2004.



Philip R. MARTINEZ
United States District Judge

Defendant's SSN: 423-15-8547
Defendant's Date of Birth: 7-7-72
Defendant's address: 2019 Potomac Ave; Montgomery, Alabama 36108

A true copy of the original, I certify,
Clerk, U. S. District Court

By M. Stillinger
Deputy
RV / _____

Defendant: CURTIS LAMAR BROWN
Case Number: EP-03-CR-1403 PRM

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of thirty-three (33) months. The sentence imposed shall be served fifteen (15) months consecutive and eighteen (18) months concurrent to the sentence imposed in P-03-CR-180.

The Court makes the following recommendations to the Bureau of Prisons:

That the defendant serve this sentence at F. S. L., La Tuna, Texas .

The defendant shall remain in custody pending service of sentence.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

RV / _____

Defendant: CURTIS LAMAR BROWN
Case Number: EP-03-CR-1403 PRM

Judgment--Page 3 of 5

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years. The term of supervised release imposed in this cause number shall be served consecutive to the term imposed in cause number P-03-CR-180.

While on supervised release, the defendant shall comply with the standard conditions that have been adopted by this Court as set forth on page 4 of this judgment; and shall comply with the following additional conditions:

- The defendant shall participate in a program approved by the Probation Officer for treatment of narcotic addiction or drug or alcohol dependency which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol. The defendant may be required to contribute to the costs of services rendered (copayment) in an amount to be determined by the Probation Officer, based on the defendant's ability to pay.
- The defendant shall perform 200 hours of community service under the direction of the U.S. Probation Office.

Defendant: CURTIS LAMAR BROWN
Case Number: EP-03-CR-1403 PRM

CONDITIONS OF SUPERVISION

Mandatory Conditions:

- 1) The defendant shall not commit another federal, state, or local crime.
- 2) The defendant shall not illegally possess a controlled substance.
- 3) If the judgment imposed a fine or a restitution obligation, it shall be a condition of supervision that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervision in accordance with any schedule of payments set forth in the Criminal Monetary Penalties sheet of the judgment. In any case, the defendant shall cooperate with the Probation Officer in meeting any financial obligations.
- 4) In supervised release cases only, the defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- 5) If convicted of a felony, the defendant shall not possess a firearm, destructive device or any other dangerous weapon.
- 6) For offenses committed on or after September 13, 1994, the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment or placement on probation and at least two periodic drug tests thereafter, as directed by the Probation Officer.

The above drug testing condition may be suspended based on the Court's determination that the defendant poses a low risk of future substance abuse.

Standard Conditions:

- 1) The defendant shall not leave the judicial district without the permission of the Court or Probation Officer.
- 2) The defendant shall report to the Probation Officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the Probation Officer and follow the instructions of the Probation Officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the Probation Officer for schooling, training or other acceptable reasons.
- 6) The defendant shall notify the Probation Officer at least ten days prior to any change in residence or employment.
- 7) The defendant shall abstain from the use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the Probation Officer.
- 10) The defendant shall permit a Probation Officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the Probation Officer.
- 11) The defendant shall notify the Probation Officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 13) As directed by the Probation Officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the Probation Officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Defendant: CURTIS LAMAR BROWN
Case Number: EP-03-CR-1403 PRM

Judgment--Page 5 of 5

FINE

The fine is waived due to the defendant's inability to pay.

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

Defendant _____ Date _____

U.S. Probation Officer/Designated Witness _____ Date _____

CLOSED

**U.S. District Court [LIVE]
Western District of Texas (El Paso)
CRIMINAL DOCKET FOR CASE #: 3:03-cr-01403-PRM-ALL
Internal Use Only**

Case title: USA v. Brown
Magistrate judge case number: 3:03-mj-02108

Date Filed: 07/16/2003

Assigned to: Judge Philip R. Martinez

Defendant

Curtis Lamar Brown (1)
TERMINATED: 01/06/2004

represented by **Anne Teresa Berton**
Federal Public Defender's Office
700 E. San Antonio Street
Suite D-401
El Paso, TX 79901
(915) 534-6525
Fax: 915/534-6534
Email: Anne_Berton@fd.org
TERMINATED: 08/20/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

Mary Stillinger
Attorney at Law
4911 Alameda
El Paso, TX 79905
(915) 775-0705
Fax: 915/775-1337
Email: stillingerlaw@sbcglobal.net
TERMINATED: 01/06/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

21:841A=MD.F MARIJUANA - SELL,
DISTRIBUTE, OR DISPENSE
(2)

A true copy of the original, I certify
Clerk, U. S. District Court

Disposition

Deft. sentenced to 33 months
imprisonment followed by 3 years
supervised release and \$100.00 S/A, 15
months consecutively and 18 months
concurrently with P-03-CR-180.

By 
Deputy

Highest Offense Level (Opening)

Felony

Terminated Counts

21:952A=CI.F CONTROLLED
SUBSTANCES - IMPORT
(1)

Disposition

remaining counts dismissed

Highest Offense Level (Terminated)

Felony

Complaints

Possession with the intent to distribute and importation of a quantity of marijuana, a Schedule I Controlled Substance, in violation of 21:841(a)(1) and 952(a). Approx. 189.1 pounds of Marijuana [3:03-m -2108]

Disposition**Plaintiff**

USA

represented by **Stanley Michael Serwatka**
Assistant United States Attorney
700 East San Antonio Street
Suite 200
El Paso, TX 79901
(915) 534-6884
Fax: 915/534-3418
Email: stanley.serwatka@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/29/2003		Arrest of Curtis Lamar Brown [3:03-m -2108] (ma) (Entered: 07/02/2003)
06/30/2003		Case assigned to Honorable Richard P. Mesa [3:03-m -2108] (ma) (Entered: 07/02/2003)
06/30/2003	1	Complaint filed against Curtis Lamar Brown [3:03-m -2108] (ma) (Entered: 07/02/2003)
06/30/2003	2	Motion by USA as to Curtis Lamar Brown to detain defendant without bond [3:03-m -2108] (ma) (Entered: 07/02/2003)
06/30/2003		Defendant(s) Curtis Lamar Brown first appearance held ; preliminary

		exam set at 9:30 7/2/03 for Curtis Lamar Brown ; ; Defendant informed of rights. [3:03-m -2108] (ma) (Entered: 07/02/2003)
06/30/2003		Oral Order of Temporary Detention as to Curtis Lamar Brown ; Bond set to NO BOND SET for Curtis Lamar Brown. setting Detention hearing for 9:30 7/2/03 for Curtis Lamar Brown signed by Honorable Richard P. Mesa [3:03-m -2108] (ma) (Entered: 07/02/2003)
06/30/2003	3	Minutes of proceedings for First Apperance conducted on 06/30/03 as to Curtis Lamar Brown by Judge Mesa. Court Reporter: ER [3:03-m -2108] (ma) (Entered: 07/02/2003)
06/30/2003	4	CJA-23 Financial Affidavit filed as to Curtis Lamar Brown [3:03-m -2108] (ma) (Entered: 07/02/2003)
06/30/2003	5	Order appointing Federal Public Defender for Curtis Lamar Brown Anne Teresa Berton to represent defendant signed by Honorable Richard P. Mesa [3:03-m -2108] (ma) (Entered: 07/02/2003)
07/02/2003		Preliminary examination for Curtis Lamar Brown held [3:03-m -2108] (ma) (Entered: 07/02/2003)
07/02/2003		Certificate of probable cause for Curtis Lamar Brown signed by Honorable Richard P. Mesa [3:03-m -2108] (ma) (Entered: 07/02/2003)
07/02/2003		Detention hearing for Curtis Lamar Brown held [3:03-m -2108] (ma) (Entered: 07/02/2003)
07/02/2003		Excludable - XH started for Curtis Lamar Brown [3:03-m -2108] (ma) (Entered: 07/02/2003)
07/02/2003	6	Order as to Curtis Lamar Brown granting motion to detain defendant without bond [2-1] Bond reset to DETAIN W/O BOND for Curtis Lamar Brown. as to Curtis Lamar Brown (1) signed by Honorable Richard P. Mesa [3:03-m -2108] (ma) (Entered: 07/02/2003)
07/16/2003		Case assigned to Judge Philip R. Martinez (em) (Entered: 07/18/2003)
07/16/2003		Added for USA attorney Stanley M. Serwatka (em) (Entered: 07/18/2003)
07/16/2003	7	Indictment filed against Curtis Lamar Brown Curtis Lamar Brown (1) count(s) 1, 2 (Pages: 2) (em) (Entered: 07/18/2003)
07/17/2003	9	Transcript filed as to Curtis Lamar Brown for dates of 7/2/03 (Proceedings Transcribed: Prelim & Detention) (Court Reporter: Swanson) (mm1) (Entered: 07/18/2003)
07/18/2003	8	Notice as to Curtis Lamar Brown setting arraignment to 10:30 7/25/03 for Curtis Lamar Brown , and setting docket call to 8:00 8/15/03 for Curtis Lamar Brown (em) (Entered: 07/18/2003)
07/24/2003	10	Letter/Correspondence submitted by USA as to Curtis Lamar Brown regarding: plea agreement (rc) (Entered: 07/25/2003)

07/25/2003	<u>11</u>	Waiver of personal appearance at arraignment and entry of plea not guilty by Curtis Lamar Brown (1) count(s) 1, 2 signed by Honorable Richard P. Mesa (rc) (Entered: 07/28/2003)
07/29/2003	<u>12</u>	General Order of Discovery as to Curtis Lamar Brown signed by Judge Philip R. Martinez (rc) (Entered: 07/29/2003)
08/07/2003	<u>13</u>	Motion by Curtis Lamar Brown for (Anne T. Berton) to withdraw as attorney , and to substitute attorney (rc) (Entered: 08/07/2003)
08/15/2003		Docket call for Curtis Lamar Brown held. Defendant files motion to withdraw attorney. Setting forthcoming (rc) (Entered: 08/18/2003)
08/15/2003	<u>14</u>	Minutes of proceedings for docket call conducted on 8/15/03 as to Curtis Lamar Brown by Judge Martinez. Court Reporter: Nobles (rc) (Entered: 08/18/2003)
08/18/2003	<u>15</u>	Order as to Curtis Lamar Brown Motion hearing ; Motion hearing, set for 7:45 8/20/03 as to: Curtis Brown, re: (13-1), (13-2) motion to withdraw and substitute attorney signed by Judge Philip R. Martinez (rc) (Entered: 08/20/2003)
08/20/2003	<u>16</u>	Order as to Curtis Lamar Brown set docket call for 8:00 8/29/03 for Curtis Lamar Brown signed by Judge Philip R. Martinez (jm) (Entered: 08/21/2003)
08/20/2003		Motion hearing for Curtis Lamar Brown held for the following motions: [13-1], [13-2]. Court grants motion to withdraw as atty. Court appoints Mary Stillinger as atty. Case placed on docket call for 8/29/03 at 8:00 a.m. (rc) (Entered: 08/25/2003)
08/20/2003	<u>17</u>	Minutes of proceedings for Motion to withdraw as Attorney conducted on 8/20/03 as to Curtis Lamar Brown by Judge Martinez. Court Reporter: Nobles (rc) (Entered: 08/25/2003)
08/20/2003	<u>18</u>	Order as to Curtis Lamar Brown granting motion for (Anne T. Berton) to withdraw as attorney [18-1] (Anne T. Berton Terminated as to Curtis Lamar Brown (1), granting motion to substitute attorney [13-2] ; attorney Anne Teresa Berton for Curtis Lamar Brown terminated; Mary Stillinger added as to Curtis Lamar Brown (1) signed by Judge Philip R. Martinez (rc) (Entered: 08/25/2003)
08/20/2003		Renoticed document Re: order [18-1] (rc) (Entered: 08/25/2003)
08/29/2003		Docket call for Curtis Lamar Brown held. Docket call reset to 9/15/03 (rc) (Entered: 09/03/2003)
09/02/2003	<u>19</u>	Minutes of proceedings for Docket call conducted on 8/29/03 as to Curtis Lamar Brown by Judge Martinez. Court Reporter: Nobles (rc) (Entered: 09/03/2003)
09/04/2003	<u>20</u>	Order as to Curtis Lamar Brown order indicates failure to continue would make continuation of further proceedings impossible or result in a miscarriage of justice , and rescheduling docket call to 8:00 9/15/03 for

		Curtis Lamar Brown signed by Judge Philip R. Martinez (rc) (Entered: 09/05/2003)
09/15/2003	<u>21</u>	Order as to Curtis Lamar Brown set status conference for 8:30 10/6/03 for Curtis Lamar Brown , set Jury selection for 8:30 10/6/03 for Curtis Lamar Brown , and set Jury trial for 8:30 10/6/03 for Curtis Lamar Brown signed by Judge Philip R. Martinez (jm) (Entered: 09/15/2003)
09/15/2003	<u>22</u>	Minutes of proceedings for Docket Call conducted on 9/15/03 as to Curtis Lamar Brown by Judge Martinez. Court Reporter: Mike Nobles (jm) (Entered: 09/16/2003)
09/15/2003		Docket call for Curtis Lamar Brown held (jm) (Entered: 09/16/2003)
09/15/2003		Jury trial for Curtis Lamar Brown set for 10/6/03. (jm) (Entered: 09/16/2003)
10/01/2003	<u>23</u>	Plea agreement filed as to Curtis Lamar Brown (jm) (Entered: 10/01/2003)
10/01/2003	<u>24</u>	Order as to Curtis Lamar Brown set rearraignment for 10:30 10/3/03 for Curtis Lamar Brown signed by Judge Philip R. Martinez (jm) (Entered: 10/02/2003)
10/03/2003		Rearraignment as to Curtis Lamar Brown held (rc) (Entered: 10/03/2003)
10/03/2003		Plea of guilty entered by Curtis Lamar Brown (1) count(s) 2 (rc) (Entered: 10/03/2003)
10/03/2003		Guilty plea accepted by the court as to Curtis Lamar Brown (1) count(s) 2 ; Mooted Motions: (rc) (Entered: 10/03/2003)
10/03/2003		Referred to Probation for Pre-Sentence Report as to Curtis Lamar Brown (rc) (Entered: 10/03/2003)
10/03/2003	<u>25</u>	Minutes of proceedings for rearraignment conducted on 10/3/03 as to Curtis Lamar Brown by Judge Martinez. Court Reporter: Nobles (rc) (Entered: 10/03/2003)
10/03/2003	<u>26</u>	Order as to Curtis Lamar Brown setting sentencing to 8:00 1/6/04 for Curtis Lamar Brown signed by Judge Philip R. Martinez (rc) (Entered: 10/03/2003)
01/06/2004	<u>27</u>	Minutes of proceedings for Sentencing conducted on 1/6/04 as to Curtis Lamar Brown by Judge Martinez. Court Reporter: Mike Nobles (mt) (Entered: 01/06/2004)
01/06/2004		Sentencing Curtis Lamar Brown (1) count(s) 2 held Curtis Lamar Brown (1) count(s) 2. Deft. sentenced to 33 months imprisonment followed by 3 years supervised release and \$100.00 S/A, 15 months consecutively and 18 months concurrently with P-03-CR-180. ; Mooted Motions: (mt) (Entered: 01/06/2004)
01/06/2004		Dismissed count on motion by the Govt Curtis Lamar Brown (1) count(s) 1 (mt) (Entered: 01/06/2004)

01/08/2004	<u>28</u>	Judgment and Commitment as to Curtis Lamar Brown (1) count(s) 2) signed by Judge Philip R. Martinez (mt) (Entered: 01/09/2004)
03/11/2004	<u>29</u>	Filed CJA Form #20 as to Curtis Lamar Brown appointing Mary Stillinger (mt) (Entered: 03/11/2004)
08/06/2004	<u>30</u>	Transcript filed as to Curtis Lamar Brown for dates of 1/6/04 (Proceedings Transcribed: Sentencing) (Court Reporter: Mike Nobles) (mt) (Entered: 08/11/2004)
08/20/2004	<u>31</u>	Motion by Curtis Lamar Brown to amend judgment (mt) (Entered: 08/23/2004)
08/27/2004	<u>32</u>	Order as to Curtis Lamar Brown granting motion to amend judgment. The judgment in this case will amended to reflect that the sentence of 33 months imprisonment will be split as follows: 15 months consecutive and 18 months concurrent with P-03-CR-180, [31-1] as to Curtis Lamar Brown (1) signed by Judge Philip R. Martinez (mt) (Entered: 08/27/2004)
08/27/2004	<u>33</u>	Amended judgment as to , Curtis Lamar Brown (1) count(s) 2 Curtis Lamar Brown (1) count(s) 2. Deft. sentenced to 33 months imprisonment followed by 3 years supervised release and \$100.00 S/A, 15 months consecutively and 18 months concurrently with P-03-CR-180.) signed by Judge Philip R. Martinez (mt) (Entered: 08/30/2004)
06/12/2006	<u>34</u>	AMENDED JUDGMENT as to Curtis Lamar Brown (1), Count(s) 1, remaining counts dismissed; Count(s) 2, Deft. sentenced to 33 months imprisonment followed by 3 years supervised release and \$100.00 S/A, 15 months consecutively and 18 months concurrently with P-03-CR-180. . Signed by Judge Philip R. Martinez. (mt,) (Entered: 06/13/2006)
04/03/2007	<u>35</u>	Probation/Supervised Release Jurisdiction Transferred to Middle District of Alabama as to Curtis Lamar Brown Transmitted Transfer of Jurisdiction form, with certified copies of indictment, judgment and docket sheet. (mt,) (Entered: 04/03/2007)
04/12/2007	<u>36</u>	Transmittal sheet (probation transfer of jurisdiction letter to Montgomery, Alabama) as to Curtis Lamar Brown (mt,) (Entered: 04/12/2007)